

S.B. Civil Misc. Appeal NO.302/2005

Noor Mohd.

vs

Jahoor Mohd. & Ors.

DATE OF ORDER : - 29.3.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Arvind Samdariya, for the appellant.

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Heard learned counsel for the appellant.

The appellant is aggrieved against the order dated 10th Sept., 2004 by which the appellant's application filed under Order 39 Rule 2A CPC was dismissed by the trial court.

The trial court after taking into account the interim order passed by this court in appeal and ultimate decision allowing the appeal, which according to learned counsel for the petitioner was relating to same agricultural land observed that no case of willful disobedience is made out and for appropriate relief, the plaintiff will be able to prove his case in the suit and will get the relief, dismissed the application of the appellant.

It will be worthwhile to mention here that the alleged disobedience is of the year 1997 and the suit is still pending, therefore,

it would be just and proper to direct the trial court to decide the suit expeditiously and this court is not inclined to interfere in the order dated 10th Sept., 2004.

In view of the above, the appeal of the appellant is dismissed with the direction to the trial court to decide the suit expeditiously.

(Prakash Tatia), J.

c.p.goyal/-